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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.L.P. 454/2022 7 CRL.M.A. 19049/2022
HARDEEP SINGH ARNEJAPetitioner/Applicant
Through: Mr. Atul Kumar Jain, Adv.
versus
M/S SRS LTD & ANR.Respondent
Through:

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+ CRL.L.P. 455/2022 & CRL.M.A. 19057/2022
SUKHVINDER KAUR Petitioner/Applicant
Through: Mr. Atul Kumar Jain, Adv.
versus
SRS LTD & ANR.Respondent
Through:

37

+ CRL.L.P. 456/2022 & CRL.M.A. 19062/2022
AMRIK SINGH ARNEJAPetitioner/Applicant
Through: Mr. Atul Kumar Jain, Adv.
versus
SRS LTD & ANR.Respondent
Through:

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+ CRL.L.P. 457/2022 && CRL.M.A. 19069/2022
SARABJEET KAUR Petitioner/Applicant
Through: Mr. Atul Kumar Jain, Adv.
versus
SRS LTD & ANR.Respondent
Through:

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+ CRL.L.P. 460/2022 & CRL.M.A. 19165/2022
JATINDER PAL SINGH Petitioner/Applicant
Through: Mr. Atul Kumar Jain, Adv.
versus
SRS LTD & ANR.Respondent
Through:



**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER

03.12.2024

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1. These are applications filed under Section 378(4) read with section 482 Code of Criminal Procedure, 1973 seeking leave to appeal against the impugned order dated 17.05.2022, passed by learned M.M. Tis Hazari Court, Delhi in C.C. No. 2459/2018 titled as “Hardeep Singh Arneja Vs. M/S SRS Ltd. & Anr”, whereby the complaint cases filed by the petitioner were dismissed in default.
2. Mr. Jain, learned counsel for the applicant states that on 17.05.2022, the counsel of the applicant could not appear before the learned M.M. as his daughter was unwell and was suffering from Brain Tumor/High grade Glioma. Hence the counsel of the applicant was not able to appear before the learned M.M. on 17.05.2022, which resulted in the complaint cases filed by the applicant being dismissed in default.
3. I am satisfied that sufficient cause has been shown for non-appearance of the counsel of the applicant on 17.05.2022 before the learned M.M.
4. For the reasons noted above, the petitioner is granted leave to appeal against the impugned order dated 17.05.2022.

CRL.A /2024 (TO BE NUMBERED)

5. These are 5 appeals filed under section 378 of Code of Criminal Procedure, 1973 seeking setting aside of the impugned order dated 17.05.2022 passed by learned M.M. Tis Hazari Court, Delhi in C.C. No. 2459/2018 titled as “Hardeep Singh Arneja Vs. M/S SRS Ltd. & Anr”,



whereby the complaint cases filed by the petitioner were dismissed in default.

6. A perusal of the impugned order shows that the complaint cases filed by the appellant were dismissed for non prosecution.

7. Mr. Jain, learned counsel for the appellant states that the respondent has never appeared before the Trial Court in the complaint cases and even on 17.05.2022, when the complaint cases were dismissed in default, the respondent was not present before the learned M.M.

8. As regards, the reason for non appearance of the counsel of the appellant on 17.05.2022 is concerned, the same has already been explained as his daughter was unwell and was suffering from Brain Tumor/High grade Glioma.

9. I am of the view that it should be the endeavour of the Court to hear and adjudicate the matter on merits and no prejudice has been caused to the respondent as the respondent has never appeared before the Trial Court and/or put his defence before the Trial Court.

10. I am satisfied that sufficient cause has been shown for non-appearance of the counsel of the appellant on 17.05.2022 before the learned M.M.

11. Since the leave to appeal is allowed, the appeal is directed to be numbered by the registry.

12. For the reasons noted above, the appeal is allowed and the order dated 17.05.2022 is set aside and the complaint cases filed by the appellant are restored to its original number.

13. The appellant shall appear before the learned C.M.M, Tis Hazari on 13.12.2024 at 10:00 a.m., wherein the complaint cases will be assigned to the competent court.



14. The appeals are disposed of accordingly.

DECEMBER 3, 2024/sp

JASMEET SINGH, J

Click here to check corrigendum, if any